

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**MARGARET SHERMAN, and  
RICHARD SHERMAN,**

**Plaintiffs,**

**v.**

**SUNSONG AMERICA, Inc., SHIU  
FUNG FIREWORKS, Co., LTD.,  
WINCO FIREWORKS, Inc., WINCO  
FIREWORKS INTERNATIONAL, LLC.,  
SHANGLI JIN XIN EXPORT  
FIREWORKS FACTORY, and  
WILLIAM LU,**

**Defendants.**

**CASE NO. 8:04CV300**

**ORDER**

This matter is before the Court on the Joint Motion for Extension of Time to Reply to Plaintiffs' Opposition to Summary Judgment filed by Shiu Fung Fireworks Co., Ltd. ("Shiu Fung"), Winco Fireworks, Inc., and Winco Fireworks International, LLC, (collectively, "Winco") (all collectively, "Defendants"). (Filing No. 247). Defendants seek an additional 15 days, 20 days altogether, to file their reply briefs.

While I appreciate the Defendants' adherence to the rules<sup>1</sup> of this Court in timely seeking an extension of time within which to file their reply briefs, which should be noted by Plaintiffs' counsel,<sup>2</sup> I do not find good cause to extend the time for Defendants' reply by more than a few days. The Defendants assert that the Plaintiffs filed their brief more than

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<sup>1</sup> Fed. R. Civ. P. 6 (a) and (b); NECivR 6.1(2) and 56.1(b)(2).

<sup>2</sup> Defendants' motions for summary judgment were filed on December 15, 2006, which made Plaintiffs' brief and evidence in opposition to the motions due on January 4, 2007 (with the benefit of the three-day-mailing rule, at the latest on January 8, 2007). The Plaintiffs' brief was not filed until January 16, 2007, more than one week later. Defendants raised no objection to the Plaintiffs' late filing.

10 days out of time (albeit without objection from Defendants), and Defendants contend that the Plaintiffs' delay justifies Defendants' request for an additional 15 days to prepare reply briefs. Because the briefing schedule directly affects the Court's ability to resolve the motions before trial, currently set for March 12, 2007, I am not persuaded by this argument.

Reply briefs are for the purpose of responding only to arguments that could not have been made in the initial, supporting brief and addressing unanticipated evidence. Much of the evidence offered by the Plaintiffs in opposition to the Defendants' motions for summary judgment is in the form of deposition testimony; depositions that Defendants' counsel attended and with which counsel presumably are familiar. While the number of issues is significant, the reply brief need not be lengthy. For these reasons,

IT IS ORDERED:

1. The Joint Motion for Extension of Time to Reply to Plaintiffs' Opposition to Summary Judgment (Filing No. 247) is granted, to a limited extent; and
2. Defendants shall file their reply briefs on or before Friday, January 26, 2007.

Dated this 18<sup>th</sup> day of January 2007.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge